Lavall: C. Commassioner

RECORDED: 08/23/2000 2:42 RESOLUTION .

469201 Buy T. Lund CLERK AND RECORDER BY: Jens L. Miller FEE: \$0.00

RESOLUTION NO. 1090 Resolution to Amend Voluntary Zoning District No. 19

WHEREAS, the Voluntary Zoning District No. 19 was created on June 8, 1978, Permanent File No. 6404, which allows for single family dwelling; and

WHEREAS, in 1996 a church (Galilee Baptist Church) was built within the zoning district on a six acre parcel on the corner of Higgins Lane and Eastside Highway;

WHEREAS, a Petition in proper form was submitted to the Ravalli County Commissioners for a request to amend the Permitted Uses of Voluntary Zoning District No. 19 to allow the existence of the Galilee Baptist Church; and

WHEREAS, after proper legal notice in the paper of Record on May 19, 2000, and May 26, 2000, and placement on the Commissioner's Agenda noting a Planning and Zoning Commission meeting; and

WHEREAS, the Ravalli County Planning and Zoning Commission held a public hearing on June 2, 2000, at 10:00 a.m. for the purpose of taking comment a the petition and proposal to amend the regulations of the Voluntary Zoning District; and

WHEREAS, both proponents and opponents were allowed to speak at this public hearing; and

WHEREAS, evidence was presented by the previous owner of the property, John R. Joost, being duly notarized, that shows the intent was not to keep out a church, but rather to keep out the spread of poorly planned buildings such as trailers when the property was sold to Galilee Baptist Church; and

WHEREAS, those that spoke as opponents to this amendment spoke in favor of allowing the church to remain, but rather to stop other building to the church such as a day care facilities; and

WHEREAS, after deliberation on the issues, information and evidence presented, the Planning and Zoning Commission desires to amend Voluntary Zoning District No. 19 to allow the church with accessory buildings on the north side of the intersection of Eastside Highway and Higgins Lane, more specifically described as Lot 3 Joost Lots and to amend Section A of Voluntary Zoning District No. 19 to read "low density residential and a single commercial parcel on Lot 3 Joost Lots to be used as a church only with appropriate accessory buildings."

Resolution No. 1090 - Page 1 of 2

CER Note: amendo Doc. #467709

RECORDED: 08/23/2000 2:42 RESOLUTION

THEREFORE BE IT RESOLVED that Voluntary Zoning District No. 19 be amended to allow the church with accessory buildings on the north side of the intersection of Eastside Highway and Higgins Lane, more specifically described as Lot 3 Joost Lots and to amend Section A of the Voluntary Zoning District No. 19 to read "low density residential and a single commercial parcel on Lot 3 Joost Lots to be used as a church only with appropriate accessory buildings".

PASSED AND APPROVED THIS JULY 7, 2000.
RAVALLI COUNTY PLANNING AND ZONING COMMISSION

John M. Atthowe Jr. /Chairman

Alan Thompson, Member

"Smut" Warren, Member

Mary Kay Browning, Member

Betty T. Lund, Member

Betty T. Lundy Jena L. Miller Attest: Deputy Clerk & Recorder

Resolution No. 1090 Page 2 of 2

Dunty Commissioners of Ravalli County, Montana, for the creation of a Planning and Zoning District in an area within the boundaries described in said petition and shown on map submitted therewith, and,

WHEREAS, the petition was filed by more than sixty percent (60%) of the freeholders within such area, and,

WHEREAS, the County Commissioners thereupon appointed a Planning and Zoning Commission in accordance with the provisions of Chapter 41, Title 16, R.C.M., 1947, as amended, and,

WHEREAS, the Planning and Zoning Commission thereafter, by order, directed that notice of a public hearing be given as required by law, and such notice was thereafter given and a public hearing held.

NOW THEREFORE, it is ordered and this does order that there is hereby created Ravalli County Planning and Zoning District No. 19_____, said district is more particularly described as follows:

A tract of land located in Section 3, Section 4, Section 8, Section 9, Section 10, Township 8 North, Range 20 West, M.P.M., Ravalli County, Montana; more particularly described as follows:

Commencing at the intersection of the Supply Ditch and Pine Hollow Road; thence in a Southerly direction along the Supply Ditch to the intersection of the Supply Ditch and Winters Lane; thence Westerly along Winters Lane to East Side Highway; thence West between Section 9 and Section 16 to east edge of the Bitterroot River in Section 8; thence Northerly along said river edge to intersection of river edge and North line of Section 4; thence Easterly along North Section line of Section 4 to East Side Highway; thence Easterly along Pine Hollow Road to point of begining.

IT IS FURTHER ORDERED, and this does order, that the following shall govern the use of lands and structures within the Planning and Zoning District No. 19

A. <u>INTENT</u>

This district provides for low density residential development of an open and rural character in areas best suited for such purposes, and provides for environmental protection of those areas that are fragile and cannot support more intensive urbanized activities due to physiogrophic, hydrologic, biologic, and economic conditions. Planned unit developments and planned variations are encouraged to preserve agricultural land and to enhance environmental amenities found in rural area.

SPACE AND BULK REQUIREMENTS

Affidavit of Publication

STATE OF MONTANA

) ss.
County of Ravalli
Jennifer McCov , being duly swom, deposes
and says that she is the principal clerk of the publisher
of the Ravalli Republic, a daily newspaper of general
circulation, printed and published in Hamilton, Ravalli
County, Montana, and that the subjoined notice, a copy
of which is hereto attached, was published in the
regular and entire issue of said paper
for two (2) successive weeks,
commencing on the 19th day
of <u>May 2000</u>
•
and published on the following dates thereafter:
26 May, 2000 :
,
126/1
Signed:
Signed.
Subscribed and swom to before me this 20th day
of May 2000 /
1 0
Vh 11
ONT / MASSO

Notary Public for the State of Montana, Residing at Hamilton, Montana.

My commission expires <u>02/27/04</u>.



NOTICE OF PUBLIC HEARING

The Ravalli County Planaing and Zoning Commission will hold a public hearing on Friday. June 2, 2000 at 10:00 am, in the Commissioners Conference Room at the Ravalli County Courthouse, 205 Bedford Street, Hamilton, MT. The purpose of this hearing is to take comment on a petition and proposal to amend the regulations of Voluntary Zoning District No. 191 which was created on June 8, 1978. Fermanent File, No 6404, in order to allow the Galilee Baptist Church to exist within the Zoning District.

If you would like further information please call the Commissioner's Office at 375-6200, /s/ Glenda M, Wiles Commissioner's Office #285-672872, RR May 19, 26, 2000 The Ravalli County

05/09/00

To The Ravalli County Commissioners:

I am writing this letter to help resolve the current issues surrounding the Galilee Baptist Church.

I would like to address the issue of why a volunteer zone was put in place in 1978. The reason that the zone was placed into affect was to help stop a trailer court from placing 55 trailers on a 10-acre lot. This trailer court had planned on servicing these 55 trailers with a mere 3 sewer systems. Unfortunately, the county approved this.

When the zone was put into place it was intended for 5-acre lots with a single dwelling. In 1996, when I subdivided my land, the Galilee Baptist Church expressed interest in purchasing the 6-acres on the corner of Higgins Lane and Eastside Highway. At the time I wasn't certain if it would be okay to build a church. For this reason I spoke with Allen Horsfall, Jerry Allan, and Smut Warren in an unofficial meeting. At this meeting, they said that it was okay to put a church on this lot. I also spoke with all the neighbors in this area to let them know of the intent to build a church, in which there were no negative responses.

At the closing of the sell, we also let *First Montana Title* Co. know about the volunteer zone and the covenants that were placed on this land. At the time, no one said that a church was a commercial building. For this reason the sale of the land was permitted.

The Galilee Baptist Church has now been built for approximately 2 years in which there have not been any major problems. When the volunteer zone was placed into affect, it was not my intent to keep out any churches. It was meant to help stop the spread of poorly planned buildings such as old run-down trailers.

Sincerely,

John R. Joost

jlj

NOTARY PUBLIC HONTANA

**NOTARIAI ** Residing at Stevensville, Montana

SEAL ** My Comm. Expires Oct 23 2502

STATE OF MONTANA)
COUNTY OF RAVALLE)

on this Adday of Appropriate Appropriate Section 20, personally appointed basics a me, To An Propriate Section 20, personally appointed basics of satisfactory evidence to be the personals whose numbers fame) subscribed to the attached instrument, and acknowledged that he/she/they executed the

Note: a light in the state of Montand

My Cummission expires:

STATE OF MONTANA RAVALLI COUNTY RECORDED: 08/23/2000 2:42 RESOLUTION



TO:

RAVALLI COUNTY COMMISSIONERS

FROM:

BETTY T. LUND, RAVALLI COUNTY CLERK & RECORDER

DATE:

APRIL 27, 2000

RECEIVED

APR 2 8 2000

Ravalli County Commissioners

I, Betty T. Lund, Ravalli County Clerk & Recorder, do hereby certify the attached list of property freeholders, numbering 52 of the 87 total freeholders, constitutes the needed 60% for amending the Zoning District No. 19.

Betty T./Lund

Ravalli County Clerk & Recorder



Petition to Amend "Permitted Uses" Ravalli County Planning and Zoning District No. 19

Let it be known to all freeholders who sign this petition that the intent of the petitioners is to request the Ravalli County Planning and Zoning Commission amend Section C "Permitted Uses" to allow for a church only with associated accessory buildings on the north side of the intersection of Eastside Highway and Higgins Lane more specifically described as Lot 3 Joost Lots and to amend Section A Intent to read "low density residential and a single commercial parcel on Lot 3 Joost Lots to be used as a church only with appropriate accessory buildings".

Let the signatures of the following freeholders of the property in District No. 19 be affirmation for this petition:

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ox Chand Tennison	169 Pine Hollow Rd Stevi	3-31-2000	-
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Petition to Amend "Permitted Uses" Ravalli County Planning and Zoning District No. 19

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Petition to Amend "Permitted Uses" Ravalli County Planning and Zoning District No. 19

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RECORDED: 08/23/2000 2:42 RESOLUTION

Petition to Amend "Permitted Uses" Ravalli County Planning and Zoning District No. 19

Let it be known to all freeholders who sign this petition that the intent of the petitioners is to request the Ravalli County Planning and Zoning Commission amend Section C "Permitted Uses" to allow for a church only with associated accessory buildings on the north side of the intersection of Eastside Highway and Higgins Lane more specifically described as Lot 3 Joost Lots and to amend Section A Intent to read "low density residential and a single commercial parcel on Lot 3 Joost Lots to be used as a church only with appropriate accessory buildings".

Let the signatures of the following freeholders of the property in District No. 19 be affirmation for this petition:

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Ivanie	Audress	Date
Joan W. Menson	- 3559 Castalo Huy	april 7 - 000 d
1 Earlymmunder	3559 Fastside Awi	as:7- 2000
3 - Dady Johnson	3556 Eastside Novi	7 apr 2000
Marcus Bruce John	on 3556 Eastside Hwy	apr 7,200
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- David Houndh		4-7-00
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mate R your	139 Pour Hollow I RA	4-7-0e
- Horlelle Hink	3559 Vale Drive	4-7-00
- Tout Check	3559 Vale Drive	4-7-00
Michael Malls	3552 £ 3th Hwy	4-7-2000
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Price A Bald	106 Cimnabar G.	4-7-2000
Jul V. Kroll	342 Alegan In	4-7-3000
Delinah ashmore.	231 Higgins Ln	4-7-2000
	3172 Ritsev Lu	4-7-2000

469201



TO:

RAVALLI COUNTY COMMISSIONERS

FROM:

BETTY T. LUND, RAVALLI COUNTY CLERK & RECORDER

DATE:

July 10, 2000

:I, Betty T. Lund, Ravalli County Clerk and Recorder, do hereby certify the property freeholders in Zoning District No. 19 number 87 total. The total freeholders signing the petition number 53 with the inclusion of the name of the pastor signing as the authorized representative for the Galilee Baptist Church; thus the total percentage of 60.9%.

Dated the 10th day of December, 1999

Betty T. Lund

Ravalli County Clerk and Recorder

PETITION FOR VARIANCE

March 22, 2000

To Whom It May Concern.

As landowners in voluntary zoning district 19, Galilee Baptist Church would like your permission to petition for a variance for land use on the 6 acres of land belonging to Galilee Baptist Church at the corner of Eastside Highway and Higgins Lane.

Thanks.

Name 1 **Address** sensuille Mt TEVENSUILE 14T

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Address

3526 Eastsile Hyway, Stevensville, MT 3182 Kitser Ln Steiensville MT 3182 Vitser La Stevensville MT

Tom Peterson
7-1212 Jerry

ZONING DISTRICT AMENDMENT NO. 19 SUMMARY OF MINUTES JUNE 2, 2000

MEMBERS PRESENT

Commissioner Jack Atthowe Commissioner Alan Thompson Commissioner Smut Warren

PERSONNEL PRESENT

Glenda Wiles, Minutes Mary Kay Browning Jake Kammerer Betty Lund

GUESTS PRESENT

See attached guest list

The meeting was called to order.

Glenda Wiles read the notice for the petition and Betty's statement showing the petition constituted the needed 60% for amending the district.

Jake Kammerer said when the zoning district was created it was only intended to be for residential purposes, so the church would not fit in to this district. The covenants are most important at this point. Previous owner, Johnny Jost wrote a letter of his intent to allow a church. His letter clarifies (if it's not residential then it's commercial) that he felt ok about the church being within the Zoning District. Jake then gave the history to Mary Kay. Jost sold the property to Galilee Baptist Church knowing it would be DEQ redesignated. The conflict came when there was disclosure of Zoning District No. 19. Now the church is expanding the Fellowship Hall and classrooms which makes the neighbors upset that it may be a bigger church. Johnny Josts letter clarifies the intent of the covenants and the petition is presented here today. This is site specific with no other commercial endeavors to be allowed.

Mary Kay Browning wanted to know if there could be a residence there too.

Jake Kammerer answered that DEQ would have to redesignate this if the zoning district would allow.

Chuck Basacker indicated that he had an objection to any future building such as a school and daycare, but not an objection to the church. He wanted to know where the 87 freeholder come from because he thought there were only 43 and 5 or 6 of them were rentors. He also indicated that Jim Mickelson had said the covenants would have to be lifted and he had a question as to the boundary of the zoning district.

Jake Kammerer relayed that because the covenants are vague, Jim

decided the intent needed to be clarified by Johnny Jost. The C&R verified the signatures.

Betty Lund now present.

Jake Kammerer stated that this is a working meeting of the Zoning Board and they need to take comment from the public when needed.

Commissioner Thompson wanted to make sure that the petition was valid. He indicated the original intent of Jost was to keep out a trailer court as he didn't know a church was commercial. This petition relates to the church only, not any other areas. Commissioner Thompson questioned if the county could allow the church but limit their expansion according to Montana Statute.

Jake Kammerer stated that he would leave this meeting if the board continued to take comment from the audience.

Jost said that the board has his clarificcation by letter and he indicated that he didn't want the church to change by growing with a school, etc., but the current building as it is now is ok to him.

Betty Lund had a map with the legal description. She indicated that Nedra Taylor did 87 parcels within the district and they did not include the rentors. She certified 52 which is 60%.

Commissioner Thompson read the petition of permitted use and said that they needed to amend section C, which would allow the church with the appropriate accessory buildings.

Jake Kammerer said an appropriate accessory building might be a fellowship and sunday school as goes hand in hand. He also wanted to know about the maintenance shed.

Pastor Craig from Galilee Baptist Church indicated that the church's intentions are for the present. They don't intend to build a daycare. Their state permit only shows the fellowship hall and sunday school classrooms. He said he visited three different times with the land owners and most felt even a daycare was ok.

Jake Kammerer now brought Betty Lund up to speed i.e. history.

Commissioner Thompson stated that his church has a Cultural Hall so a Fellowship Hall must be the same thing. He indicated that he sees no problem with this but that the school and daycare are more commercial.

Mary Kay Browning, Betty Lund, and Commissioner Warren all indicated that they thought that sounded reasonable.

Commissioner Atthowe said that there are 87 parcels with 52 of them verified which is 59.77%, not 60%.

Commissioner Thompson indicated that those figures were right and

it is rounded up to 60%, maybe it is.

Betty Lund questioned if the church had been there since 1996.

Jake Kammerer indicated it was, however the problem came with the need for new construction. If the covenants are not amended it will be the county's responsibility to remove the church. The covenants have been violated at this time.

George Sullivan indicated that he was instrumental in putting the zone there. He doesn't own property there now but he does live there. He felt Mr. Jost had put covenants up for sale by allowing the church and no other commercial business. To be fair they should take the covenants off.

Jake Kammerer relayed they are not altering the covenants, just clarifying the covenants at no cost to anyone. The one who could clarify is Mr. Jost.

Chuck Basacker asked if he had 4 parcels could he sign 4 times? He indicated that would not be fair.

Betty Lund indicated that Chuck was right.

Jake Kammerer responded that this is a free holder of parcel issue. Three different people on one parcel equals three votes.

Chuck suggested that the Board take this under advisement.

Commissioner Thompson stated that the law speaks to 60%, but without action from the board the county is in violation, so in his opinion they have one of two choices. He then made a motion to grant permitted use on the petition and allow the church with accessory buildings. Mary Kay 2nd the motion and all voted "aye". The petition was granted.

Globe B. tuna 3 BCC Jake K Glenda W

COMMISSIONERS MEETING & PUBLIC HEARING'

DATE: 6/2/2000

TOPIC: Zarung Dust #19 - Petition to Amend

Please Print Your Name - LEGIBLY!

Name: RicHARDLCLARK	Ronald V. Craig
Marine Basacher	
Levery W. Sullisin	
Day Beell	
Ron King	
MARCUS BALL	
Dog Spolly	
	•

Page 18 of 20 스스크스카드로

ZONING DISTRICT NO. 19

SECTION 10-8-20

87-freeholders

•	
INDEX 1	Ellen E Little Tr.
INDEX 2	Kenneth F & Judith A Siebel
INDEX 3	Norris B. Nichols (East
INDEX 4	Dora Dailey Wood
INDEX 5	Ann Sanders
INDEX 6	John R & Sylvia B Joost
INDEX 7	Kenneth F & Judith A Siebel
INDEX 8	John R & Sylvia B Joost
INDEX 9	Norris Benton Nichols
INDEX 10	Kenneth F Jr & Judith Ann Siebel
INDEX 11	Ted L & Catherine Hadfield
INDEX 12	Alda Bailey & Jamie Spaudling & Higgins Bailey
INDEX 14	66 66
INDEX 15	Randall A & Debra L Bartholomay
INDEX 17	John R & Sylvia B Joost
INDEX 18	Arnold R & Vickie L Vernon
INDEX 19	Nancy F Thomas
INDEX 20	Patrick G & Michelle A Ahlin
INDEX 21	George R & Katherine A Swanson
INDEX 22	Brenda Harrison
INDEX 23	David S. Ir. & Pamela J Brown
INDEX 24	William E & April D Fulbright
INDEX 25	Daniel G & Deborah G Ashmore
INDEX 26	Donas A & Retha D Henson
INDEX 27	James H Lowell
INDEX 28	Norris Benton & Susan E Nichols
INDEX 29	William G Jr & Shirley J Schiller

Section 9-8-20

INDEX 1	Kenne	th F	Jr &	Judith	Ann	Siebel	
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INDEX 3	64	44	66	46	c۴	cc	
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Section 9-8-20 (cont)

INDEX 6 INDEX 7	Kenneth F Jr & Judith Ann Siebel
INDEX 8	6C CC CC CC CC CC
INDEX 9	cc cc cc cc cc cc
INDEX 11	te ce te te te
Section 8-8-20	
PT INDEX 1	Cyrus W & Katharino: F Merrell
PT INDEX 5	Richard L & Nancy A Neville Tr
PT INDEX 6	Kenneth F Jr & Judith Ann Siebel
Section 5-8-20	
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INDEX 5	James & Nancy Johnston Tr
INDEX 17	William O & Mary Ann Barrington
INDEX 6	Ivan W & Evelyn M Munson (Tr
INDEX 40	cc cc cc cc cc
INDEX 24	Douglas Edens
INDEX 16	Ivan W & Evelyn M Munson Tr
INDEX 11	Kenneth F Jr & Judith A Siebel
INDEX 44	Stephen M Ragan
INDEX 48	Gerald N Metully
INDEX 25	Kenneth F Jr & Judith A Siebel
INDEX 15	Bonnie L Hansen & Bruce S Bass & Leone E Bass
INDEX 45	Robert A Vanderbyl
INDEX 46	Monte Walker
INDEX 3	Terry, Melissa & Paul E Dauby
INDEX 47	Robert J.Sr. & Carol S Kehs
INDEX 20	David A & Linda L Roundy
INDEX 42	Marcus Bruce & Sally Frances Johnson
INDEX 4	cc cc cc cc
INDEX 27	Leslie Ann Mc Guire More Rolls Mike Ralls Family Trust (More DROPS)
INDEX 8	Mike Ralls Family Trust (Mory DKolls)
INDEX 18	Betty A Lynn
INDEX 39	Bruce & Dawn Boyd
INDEX 22	Leon J III & Valorie L Holton
INDEX 38	Beverly A Welling
INDEX 41	Richard L & Anitra Clark

Section 3-8-20 (cont)

INDEX 12	John R & Sylvia Joost
INDEX 19	Mark D & Cheryl Tennyson
INDEX 49	Jane Adams
INDEX 23	Robert E & Rochelle H Geck
INDEX 43	Helene Hayes
INDEX 9	John R & Sylvia Joost
INDEX 10	John R & Sylvia Joost
INDEX 13	John R & Sylvia Joost
INDEX 14	£6 £6 £6
INDEX 28	Thomas A & Carmen J Pederson

Section 4-8-20

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JOOST LOTS

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LOT 3	Galilee Baptist Church									
LOT 4	Steve A & Jill D Knoll									

JOOST RANCH ONE

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LOT B		Kennet	hF&	Judith	ı A S	iebel			
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